

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Noel L. Hillman
v. : Crim. No. 13-122 (NLH)
KRISTOPHER WILLIAMS : CONTINUANCE ORDER

This matter having come before the Court on the joint application of the defendant KRISTOPHER WILLIAMS (Nino Tinari, Esquire appearing) and Paul J. Fishman, the United States Attorney for the District of New Jersey (by Patrick C. Askin, Assistant United States Attorney, appearing) for an adjournment for the deadline for filing pre-trial motions and to adjourn the trial date, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to Title 18 of the United States Code, Section 3161(c)(1);

The Court having found that the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial; and for good cause shown:

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. On September 17, 2013, the government's counsel filed a motion to disqualify the defendant's former counsel, Lisa Lewis, Esquire, Assistant Federal Public Defender, based on a conflict of interest that the government had discovered in the Federal Public Defender's Office's representation of Mr. Williams and representation of a government witness (through a different Assistant Federal Defender) who was a potential trial witness for the government against Mr. Williams. The Court scheduled a

hearing on the motion for September 25, 2013. At the hearing, the parties represented to the Court that Ms. Lewis and the Federal Public Defender's Office agreed that there was a potential conflict of interest and agreed that they should withdraw from representing both Mr. Williams and the government witness.

2. Shortly before the government discovered the conflict and brought it to the attention of Ms. Lisa Lewis, Esquire and the Court, the government was contacted by the Law Office of Nino Tinari, Esquire, and was informed that Mr. Nino Tinari, Esquire had been retained by the defendant, Kristopher Williams' family to represent Mr. Williams in this case.

3. At the conclusion of the status of counsel hearing on September 25, 2013, the Court concluded that it was appropriate to allow Ms. Lewis to withdraw from the case due to the potential conflict of interest and that it was appropriate to allow Mr. Nino Tinari, Esquire to enter his appearance on behalf of the defendant.

4. Based on representations by counsel for the parties, discovery had been previously provided by the government to the defendant through former counsel, Lisa Lewis, Esquire, and Ms. Lewis was prepared to turn over the discovery and copies of other pertinent documents in the defendant's file to Mr. Tinari on September 25, 2013 or shortly thereafter.

5. The Court directed the government's counsel to confer with defendant's counsel, Mr. Nino Tinari, to make sure that discovery in the case required by Rule 16 and other rules of discovery is complete and to resolve any potential issues surrounding the production of discovery so that this case would be ready for trial.

6. In view of the fact that new counsel, Mr. Tinari, has recently entered his appearance to represent the defendant, Mr. Tinari will need additional time to review the discovery provided by the government and if necessary, to contact the government's counsel to request additional discovery items; to meet with Mr. Williams to discuss the evidence and applicable law with him in preparation for trial or to negotiate a

potential non-trial disposition of this case; and to either negotiate a non-trial disposition with the government's counsel that is acceptable to both parties or to prepare for a trial in this case.

7. The defendant and the government jointly requested a continuance of the October 7, 2013 trial date previously set by the Court. The continuance was requested by defense counsel in court at the hearing on September 25, 2013, in the presence of the defendant, Kristopher Williams, and therefore the continuance was requested with the consent of the defendant.

8. The Court granted the joint request for continuance of the motions filing deadline and trial date in court on September 25, 2013, at the conclusion of the status of counsel hearing.

9. Therefore, pursuant to Title 18 of the United States Code, Section 3161(h)(7)(A) and (h)(7)(B)(i) and (iv), the Court finds that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, on this 31 day of October, 2013,

ORDERED that the proceedings in the above-captioned matter are continued from September 25, 2013 through November 6, 2013; motions, if any, shall be filed by 11/6/13; the government's response shall be filed by 11/16/13, 2013 and hearing on the motions shall be held on _____, 2013; a status conference and if necessary, a change of plea hearing shall be set for October 31, 2013 at 11:30 a.m.; a pre-trial conference shall be set for November 4, 2013 at 9:30 a.m.; and the trial shall be set for November 6, 2013, absent any other reasons to continue the proceedings; and

IT IS FURTHER ORDERED that the period from September 25, 2013 through November 6, 2013 shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to Title 18, United States Code, Section 3161(h)(7).



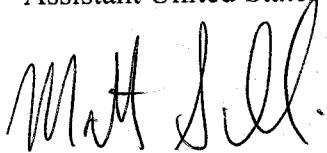
HON. NOEL L. HILLMAN
United States District Judge

At Camden, New Jersey

Form and entry
Consented to:



PATRICK C. ASKIN
Assistant United States Attorney



ON BEHALF
OF
NINO V. TINARI, ESQ.

NINO TINARI, ESQUIRE
Counsel for Kristopher Williams